

EXHIBIT 112

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1 FOR THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 *****

4 STUDENTS FOR FAIR ADMISSIONS, INC.,

5 Plaintiff

6 vs.

No. 1:14-cv-14176

7 PRESIDENT AND FELLOWS OF HARVARD

8 COLLEGE (HARVARD CORPORATION)

9 Defendants

10 *****

11 - HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY -

12 VOLUME: I

13 PAGES: 1-273

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16
17 DEPOSITION of KAITLIN HOWRIGAN

18 Tuesday, June 20, 2017

19 9:01 a.m.

20 Held at: Wilmer Cutler Pickering Hale and Dorr, LLP

21 60 State Street

22 Boston, Massachusetts

23 Megan M. Castro, RPR, Court Reporter

24

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1 A. That probably would have occurred between
2 '06 or '07 and '11 or '12.

3 BY MR. CONNOLLY:

4 Q. Do you know, generally, when you would
5 create these one-pagers?

6 MS. MOONEY: Objection.

7 A. Generally, when I would create them?

8 BY MR. CONNOLLY:

9 Q. Yes. For example, would you create
10 it -- do you ever recall creating a one-pager,
11 say, at the beginning of a full committee?

12 MS. MOONEY: Objection.

13 A. There were times when I ran a report at
14 the start of committee meetings.

15 BY MR. CONNOLLY:

16 Q. And do you know who would request this?

17 A. Usually it was Dean Fitzsimmons who would
18 request this.

19 Q. Do you recall ever creating a one-pager
20 during a full committee?

21 MS. MOONEY: Objection.

22 A. During full committee? In terms of?

23 BY MR. CONNOLLY:

24 Q. In terms of -- sorry. Let me take a step

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1 MS. MOONEY: Objection. I am going to
2 instruct her not to answer.

3 BY MR. CONNOLLY:

4 Q. Are you going to take that advice?

5 A. I am.

6 Q. Approximately how many years did you
7 review applications at Harvard?

8 A. Ten years.

9 Q. When you would review an application,
10 would you assign a student an overall rating?

11 MS. MOONEY: Objection.

12 A. I did.

13 BY MR. CONNOLLY:

14 Q. When assigning this overall score, would
15 you take the student's race into account?

16 MS. MOONEY: Objection.

17 A. We were factoring in hundreds of factors
18 that input into that overall rating.

19 BY MR. CONNOLLY:

20 Q. So is that a "yes," you would factor --
21 you would take race into account when assigning
22 an overall score?

23 MS. MOONEY: Objection.

24 A. The overall score was supposed to

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1 summarize the hundreds of different metrics that
2 we were supposed to be evaluating.

3 BY MR. CONNOLLY:

4 Q. Have you ever taken race into account in
5 assigning a student an overall rating?

6 MS. MOONEY: Objection. Asked and
7 answered.

8 A. Again, it is one of hundreds of pieces of
9 information that we are asked to consider as we
10 are evaluating applicants.

11 BY MR. CONNOLLY:

12 Q. Can you answer the question "yes" or
13 "no"?

14 MS. MOONEY: Objection.

15 A. I think a yes-or-no question
16 oversimplifies what is going into that overall
17 rating.

18 BY MR. CONNOLLY:

19 Q. Have you ever assigned a student an
20 overall score and not taken race into account?

21 MS. MOONEY: Objection.

22 A. Again, what you are being asked to do is
23 evaluate a whole person's experience and
24 credentials that they would bring to bear during

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1 their time as a student as Harvard.

2 BY MR. CONNOLLY:

3 Q. Okay. But the whole experiences,
4 whatever you just said, does that include race?

5 MS. MOONEY: Objection.

6 A. That would include any number of
7 background -- hundreds of background factors that
8 would factor into that evaluation.

9 BY MR. CONNOLLY:

10 Q. Yes. But one of which was race; correct?

11 MS. MOONEY: Objection.

12 A. One among hundreds, if not thousands, of
13 data points.

14 BY MR. CONNOLLY:

15 Q. So can you ever recall a time where you
16 assigned an overall score and did not include a
17 person's race into your decision making?

18 MS. MOONEY: Objection.

19 A. Again, as one of hundreds or thousands of
20 pieces of information that we were evaluating.

21 BY MR. CONNOLLY:

22 Q. So is your answer that, no, you do not
23 recall ever assigning a student an overall rating
24 and not including the person's race in your

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1 decision making?

2 MS. MOONEY: Objection.

3 A. I believe there may have been students
4 who didn't indicate their race on their
5 application.

6 BY MR. CONNOLLY:

7 Q. So for those students, would you take
8 race into account?

9 MS. MOONEY: Objection.

10 A. There is no way to account for something
11 that is not shared with the committee.

12 BY MR. CONNOLLY:

13 Q. Okay. So for everyone else, when they
14 did include their race, would you take that
15 factor into account when assigning a student an
16 overall rating?

17 MS. MOONEY: Objection.

18 A. We accounted for every piece of
19 information that the candidate chose to share
20 with us as part of their application.

21 BY MR. CONNOLLY:

22 Q. So is your answer yes, as long as you
23 knew the student's race, you would take it into
24 account?

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1 MS. MOONEY: Objection.

2 A. If the student opted to share that
3 information on their application, that was
4 something that was taken into account, with
5 hundreds of other factors that were being taken
6 into account.

7 BY MR. CONNOLLY:

8 Q. Have you ever given a student a lower
9 overall rating because of his or her race?

10 MS. MOONEY: Objection.

11 A. No.

12 BY MR. CONNOLLY:

13 Q. How do you know that?

14 MS. MOONEY: Objection.

15 A. I haven't done that.

16 BY MR. CONNOLLY:

17 Q. That is just something you wouldn't do?

18 MS. MOONEY: Objection.

19 A. No.

20 BY MR. CONNOLLY:

21 Q. Have you ever given a student a higher
22 score, overall score, because of his or her race?

23 MS. MOONEY: Objection.

24 A. I don't believe so.

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1 BY MR. CONNOLLY:

2 Q. Would you ever assign a student in the
3 subcommittee an "A dot" rating?

4 A. Yes.

5 Q. And what is an A dot rating?

6 A. An A dot rating would be a version of a
7 provisional admit.

8 Q. Would you ever assign an "A star" rating?

9 A. Yes.

10 Q. Could you describe what an A star rating
11 is?

12 A. It would be another kind of version of a
13 provisional admit.

14 Q. Are they more competitive than the A dot?

15 MS. MOONEY: Objection.

16 A. Is an A star more competitive than an A
17 dot?

18 BY MR. CONNOLLY:

19 Q. Yes.

20 A. Generally, no.

21 Q. Would you ever assign a student just a
22 plain A rating?

23 A. As a provisional rating, yes.

24 Q. As the chair of a docket, did you ever

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1 have a target number for how many students to
2 primarily admit out of your docket?

3 MS. MOONEY: Objection.

4 A. I was provided with a target number.

5 BY MR. CONNOLLY:

6 Q. Do you know who provided you that number?

7 A. That was something that came from the
8 dean.

9 Q. Do you know how you would get that
10 number?

11 MS. MOONEY: Objection.

12 A. I am not sure.

13 BY MR. CONNOLLY:

14 Q. Was that number a firm number?

15 MS. MOONEY: Objection.

16 A. My understanding is, no, it was not.

17 BY MR. CONNOLLY:

18 Q. So in general, you could come in one or
19 two over or one or two under your target; is that
20 right?

21 MS. MOONEY: Objection.

22 A. Yes, you could come below or above that
23 number.

24 BY MR. CONNOLLY:

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1 A. To me, they would stand for
2 Dean Fitzsimmons's initials.

3 Q. Do you ever recall Dean Fitzsimmons
4 asking you to ask Ms. Yong for a one-pager?

5 MS. MOONEY: Objection.

6 A. On occasion, he might ask me to send an
7 email quickly.

8 BY MR. CONNOLLY:

9 Q. Do you recall this happening during the
10 full committee process?

11 A. I can recall a couple occasions where he
12 might ask that I send a request to EBY.

13 Q. For a one-pager?

14 MS. MOONEY: Objection.

15 A. I don't know that I would be limited to a
16 one-pager. But having done the job before, I
17 think he knew that I could communicate what it is
18 that he might be requesting.

19 BY MR. CONNOLLY:

20 Q. But you do recall, on multiple occasions,
21 asking Ms. Yong for a one-pager; is that correct?

22 MS. MOONEY: Objection.

23 A. I would have only asked if it was
24 requested of me of the dean.

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1 MS. MOONEY: Objection.

2 A. It is an individualized, but comparative
3 process. Ultimately, there is only a given
4 number spaces for freshmen in Harvard's class.
5 So part of the duty was to understand a
6 particular student's strengths and credentials
7 versus the thousands of other candidates in the
8 pool in that given year.

9 BY MR. CONNOLLY:

10 Q. Would you ever compare similar students
11 of different racial backgrounds, when making your
12 decisions?

13 MS. MOONEY: Objection.

14 A. I am not sure what you mean by that.

15 BY MR. CONNOLLY:

16 Q. Would you ever see similar students, as
17 far as geography and test scores and GPA?

18 MS. MOONEY: Objection.

19 A. Would I ever see similar students in the
20 applicant pool?

21 BY MR. CONNOLLY:

22 Q. Yes.

23 MS. MOONEY: Objection.

24 A. I mean, given all of the information that

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1 Q. Is there a different way that you would
2 characterize what you are saying in that middle
3 email?

4 MS. MOONEY: Objection.

5 A. I mean, without being able to fully
6 recollect what it was that I was hearing and what
7 the specific reasons he might have shared were,
8 it is hard for me to say, conclusively, what that
9 might have been.

10 ([Exhibit 12](#) marked for identification.)

11 BY MR. CONNOLLY:

12 Q. I will mark this document as [Exhibit 12](#),
13 Bates number 18152.

14 (Witness viewing [Exhibit 12](#).)

15 A. Okay.

16 Q. Do you recognize these notes?

17 A. They appear to be notes that I took at
18 some time.

19 Q. So this is your handwriting?

20 A. It appears to be my handwriting.

21 Q. If you could turn to page 18153.

22 A. Okay.

23 Q. See at the top, it says, "WRF interest"?

24 A. Yes.

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1 A. It is not set up on a by-request basis.
2 We tell applicants that by submitting an
3 application, automatically puts in a request for
4 an interview.

5 BY MR. CONNOLLY:

6 Q. Would you, typically, not set up alumni
7 interviews with students who you did not deem to
8 be competitive in their chances of being admitted
9 to Harvard?

10 MS. MOONEY: Objection.

11 A. Only if they happen to be applying from a
12 club where we didn't have the manpower to
13 interview everyone.

14 BY MR. CONNOLLY:

15 Q. If a legacy student applied, would they
16 typically receive alumni interviews?

17 MS. MOONEY: Objection.

18 A. Like all applicants, it would be our goal
19 to interview everyone.

20 BY MR. CONNOLLY:

21 Q. Did staff ever interview applicants?

22 MS. MOONEY: Objection.

23 A. On occasion, we were asked to interview
24 applicants.

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CERTIFICATE

Commonwealth of Massachusetts

Suffolk, ss.

I, Megan M. Castro, Registered
Professional Reporter and Notary Public in and for
the Commonwealth of Massachusetts, do hereby
certify:

That KAITLIN HOWRIGAN, the witness whose
deposition is hereinbefore set forth, was duly
sworn by me and that such deposition is a true
record of the testimony given by the said witness.

IN WITNESS WHEREOF, I have hereunto set
my hand on July 6, 2017.



Megan M. Castro
Registered Professional Reporter
Certified Shorthand Reporter No. 152614

My Commission expires:

July 31, 2020